

CPC Minutes of January 19, 2010

A regular meeting of the City Plan Commission was held on Tuesday, January 19, 2010 at 4:45 p.m. in the Department of Planning and Development, 4th Floor Auditorium, 400 Westminster Street, Providence, Rhode Island 02903.

OPENING SESSION

Call to Order: Chairman Durkee called the meeting to order at 4:50 p.m.

Members Present: Chairman Stephen Durkee, Vice Chairman Harrison Bilodeau, Meredyth Church, Andrew Cortes, Bryan Principe and Samuel Limiadi.

Member Absent: Drake Patten

Staff Present: Robert Azar, Choyon Manjrekar and Melanie Jewett

Approval of the meeting minutes from December 1st and December 15th 2009: Mr. Cortes made a motion to approve the minutes of, December 1st and December 15th 2009, seconded by Mr. Bilodeau, per the condition that “river” be changed to “harbor” in the December 1st minutes. All voted in favor.

Schedule for calendar year 2010: Mr. Cortes made a motion to accept the CPC meeting schedule for the calendar year 2010 seconded by Mr. Bilodeau. All voted in favor.

Mr. Andrew Teitz asked if Mr. Durkee could chair the meeting. Mr. Azar replied that the City Solicitor opined that the chair’s term expires at the end of January 2010, so he is still authorized to chair the meeting.

Designation of Recording Secretary: At Mr. Azar’s request, Mr. Principe made a motion, seconded by Ms. Church to make Choyon Manjrekar recording secretary. All voted in favor.

CITY COUNCIL REFERRAL

1. Referral 3321- Petition to abandon a portion of Penrose Avenue

Petition to abandon the unimproved portion of Penrose Avenue. (Blackstone)

Mr. Azar gave an overview of the petition. Mr. Azar said Penrose Avenue is a street that runs between Blackstone Blvd. and Grotto Avenue, and there are two property owners that have a small stretch of Penrose Avenue between them. The owners wish to abandon the street so that it can be incorporated into their parcels for residential purposes.

Mr. Azar suggested that the commission advise the Committee on Public Works and the City Council to approve the abandonment subject to the conditions in the staff report, which stated 1. Any necessary easements shall be granted and 2. That an administrative subdivision be conducted to incorporate the right of way into the two lots.

Mr. Cortes made a motion to make a positive recommendation to the City Council regarding referral number 3321, with the DPD's recommendations, seconded by Mr. Principe. All voted in favor.

LAND DEVELOPMENT PROJECT

2. Case No. 09-050MA- 395 Promenade Street (Master Plan Approval)

Mr. Azar said that the applicant has requested that the item be continued to the February 23, 2010 meeting. Mr. Cortes made a motion to continue, seconded by Mr. Principe, all voted in favor.

PROVIDENCE TOMORROW

4. Neighborhood Plan Presentation

In order to prevent a conflict with the West Broadway Neighborhood Association (WBNA) meeting, the West End/Federal Hill/Reservoir plan was presented first at the request of Ms. Kari Lang. Ms. Jewett presented an overview of the charrette process and neighborhood plan format before presenting the key issues of the plan.

The key concerns from this plan included:

- Making commercial corridor improvements to act as a gateway to the neighborhoods. Westminster Street, Atwells Avenue, and Broadway would be streets included in this process.
- The rebranding of Service Road 7 to West Franklin Street
- Improvement of the school curriculum and facilities
- Improving connections within the three neighborhoods to downtown. Also, improving connections to other areas such as Roger Williams park from the Reservoir neighborhood.
- Residents wanted to improve parks and open spaces
- Preserving historic character of the residential areas
- Creating new layers of historic protection for areas like Spruce Street in Federal Hill.
- Efficient development of the West Franklin Corridor, which will serve as a gateway to downtown from the three neighborhoods.

Ms. Jewett presented an overview of the format of the charette action plan and spoke about areas to be evaluated for proposed zoning changes. The changes were displayed on three maps representing each neighborhood including the service road corridor.

Proposed changes for Federal Hill included:

- Rezoning areas with small businesses currently zoned Residential Professional (R-P) into C-1, neighborhood commercial districts. Other proposed changes included changing certain areas from heavy commercial to light commercial.

Proposed changes for the West End included:

- Rezoning certain areas on the map from Residential Multifamily (R-M) to Residential General (R-G) to recognize the existing density.
- Westminster Street: Changing certain areas in the vicinity of Bridgham Street from General Commercial to Limited commercial.
- Reservoir: Change certain areas from general commercial to limited commercial on Reservoir Avenue. Also, adding a jobs only designation to the industrial parks.

Ms. Jewett presented selected actions from the West End/ Federal Hill/ Reservoir Plan.

- Amend regulations to apply design criteria for new developments using neighborhood typologies.
- Evaluating expansion of the local historic districts
- Identifying a permanent, substantial use for the Armory
- Continue to study the impacts of increased business parking on the surrounding residential properties along Atwells Avenue
- Enhancing the public realm in collaboration DPW, the Parks Department and Utility Companies
- Reinventing West Broadway so it can be returned to use as a walkable neighborhood elementary school
- Rebranding Service Road 7 as West Franklin Street which is the name that has been given by the DOT as part of the I-95 relocation.

Ms. Jewett presented changes made to the plan based on response and input received from the charrette. Comments received on the plan were available to the public and the commission. The following changes were made on the corresponding pages.

- Page 7, Editing and grammatical changes.
- Page 11, Arson of the Gorham carriage house was mentioned
- Page 22, Added a statement that residents would like to see cobblestone uncovered on Cargill and West Fountain Streets.
- Page 23, In response to WBNA comments, changed some of the language in regards to the dog park.
- The proposal for Atwells Avenue to become a one way street was removed.
- Page 24, WBNA pointed out that that the bollards needed to be straightened out on Messer and Sycamore Street, not Cargill and Dexter as mentioned.
- Page 25, WBNA asked to include modifying the tree pit traffic calming design by adding additional stop signs along Messer Street.
- Pages 26 & 27 Added narrative referring to what participants said about the potential redevelopment areas and a map showing redevelopment areas.
- Page 29, Changed language referring to Our Lady of Lourdes church instead of Holy Ghost. Added an action item requested by WBNA about working with property owners to stabilize and protect historic properties including addressing fire and building code issues.

- Page 30, Added state and community groups for finding a use for the armory. Consider increasing penalties for unauthorized alteration and demolition through neglect. Work with the Rhode Island Historical Preservation Commission to prevent demolition by neglect of structures not covered by a Historic District.
- Page 31, Housing action items under historic preservation were pulled out and given their own heading.
- Page 32, Repair or replace lighting along Atwells Avenue. Increase lighting along the Dexter training ground and install and protect the sidewalks on Carpenter and Knight Street.
- Page 33, Added comments from the West Elmwood Housing Corporation to improve street scenes along Huntington Avenue to give it the feel of a boulevard and also add a Bike Lane. Language to assess the traffic calming on Messer and Sycamore Street and about the residential permit pilot program was also added.
- Page 34, Amend the designations of the parcels between Dean Street, and West Franklin Street to allow for a residential area to serve as a buffer between downtown and the neighborhood that would encourage high quality urban design
- Page 35, Federal Hill, amended the residential zoning designation in the northwest side of Broadway at the intersection of Barton Street to neighborhood commercial.
- Page 36; Change the dog park item to assess the location of the dog park and improve the dog park by adding benches and water stations. Changed the project lead to connect trails at Roger Williams Park to the Parks Department rather than the City Forester.
- Page 37, The second action item to evaluate certain locations for community parks on vacant lots was added. At the request of West Elmwood Housing, action items to improve fencing, lighting, trash receptacles, landscaping and playground equipment at Bucklin Park to make it safer and more child friendly were added. Explore the feasibility of a skate park in the West End.
- Page 38, Added “walkable” to the first action item, added community groups to be project leads and amended the item about Bridgham middle school. An additional item to encourage neighborhood schools to serve the entire community was added.
- Page 39, Language to have green space on the Loutit Laundry site was added. Action items to encourage developers to explore a land swap with Citizens Bank to maximize the

redevelopment potential of the site and to encourage developers to include community groups, resident and businesses were added.

- Page 40, Changing Service Road 7 to West Franklin Street and ensuring the height, scale and massing of new buildings on the site (West Franklin Street) blends with the surrounding properties.
- Page 41, Add and install neighborhood approved arch under Broadway to enforce its Victorian residential character.
- Page 42, Added scheduling street clean ups on a regular basis
- Page 43, Develop design guidelines in accordance with the Comprehensive Plan and neighborhood plans. Maps created by charrette facilitators were added.

Mr. Durkee asked if there was any intention to reconfigure the boundaries of the neighborhood.

Ms. Jewett replied that the matter did not come up during the charrette.

Mr. Principe voiced concern regarding page 32 of the plan. Mr. Principe said that language on working with utility companies should be made more specific in regards to what was required. He said he would like to implement an action item to devise a maintenance schedule for the city to maintain the quality of streets and open spaces. On Page 38, the action item on Bridgham Middle School should include Community groups as project leads. He suggested that the action item for Loutit Laundry on page 39 should include “office” as one of the potential uses. On page 40, wording about building height could be strengthened. Ms. Church asked for an explanation of the proposed land swap for Citizens Bank on page 39 of the plan.

Councilman Lombardi read a request from Councilman Narducci asking that the presentation of the Charles/Wanskuck plan be postponed. Mr. Lombardi said his biggest concern was height restrictions between Dean Street and Service Road 7 as greater height was not supported at the charrete. Mr. Lombardi said it was important that the planning department continues to work with neighborhoods and implement existing plans. He made comments regarding neighborhood issues and said it was important that city departments communicate between themselves.

Public Comment

Ms. Kari Lang thanked the Planning Department for their work. She spoke of concerns on Page 34 of the West End section of the plan and asked that the designation of the parcels between

Dean Street and Service Road allow for a transitional area to serve as a buffer between Downtown and the neighborhood. She asked that development should be of high quality urban design not exceeding six stories. Ms. Lang requested that her comment also apply to page 35 regarding the Federal Hill section. Ms. Lang requested that on Page 40 of the plan, building height be stepped down in residential areas and that topography be taken into consideration when setting height limits. She said she would like to have height limited to six stories along the Service Road. Ms. Lang requested that the vote on the plan be postponed till the next month's meeting. A discussion ensued on building height.

Ms. Cecelia Medeiros, a West End resident and member of the West Elmwood Housing Association spoke of concerns on Page 42. She asked to renew clean ups on Cranston Street and renew the Providence Beautiful campaign to clean up the area and get people to buy houses. Ms. Amelia Rose from the Environmental Justice League who had concerns about the Gorham site spoke of concerns on Page 39 of the plan. She said she wanted to add more options for redevelopment that would relate to the school environment. She also said that the Mashpaug pond parcel needs to be remediated and exposure to harmful contamination should be minimized.

A short recess was taken.

After the recess, Mr. Durkee stated that he had been advised by the City Solicitor that his appointment may have expired. He therefore left the meeting. Mr. Bilodeau assumed the duties of the Chair. Mr. Azar requested that out of an abundance of caution, new votes should be taken on the two items previously decided.

Mr. Cortez made a motion for a positive referral regarding 3321 as per the planning staff recommendation and conditions stated in the staff report, Ms. Church seconded. All voted in favor.

Mr. Cortez made a motion to continue case number 09-050MA until next month's meeting. Ms. Church seconded. All voted in favor.

3. College Hill, Wayland & Fox Point Neighborhood Plan

Mr. Azar said that in October of 2009, the CPC approved the College Hill, Wayland and Fox Point plan. During that deliberation, there was a lot of talk about the Shooters Site and revisions

were made to the plan. The plan was adopted and said that the zoning for the Shooters site would stay W-2, which is a mixed-use zone that allows up to six stories in height. It allows residential and hotel use, which is reflected in the plan. Mr. Azar said that the plan would not call for any changes in the allowable uses or height allowed on the site. He presented a summary of the status of the Shooters site from past meetings. He said that the City Solicitor was present to discuss the possible implications of a downzoning of the site.

Ms. Adrienne Southgate, City Solicitor, said that the issue of downzoning, does not present a bright line test in terms of consequences. She presented case law in her memo to the Commission related to downzoning. Ms. Southgate said that adopting a limitation to restrict the property to residential use could result in a downzoning and a finding that a substantial value of the property has been taken, for which compensation may be due. Restricting height may also leave the City vulnerable, but the outcome would not be as clear cut as a use restriction. Mr. Azar clarified that the Commission was curious about the outcome of eliminating residential and hotel uses from the site. Ms. Southgate said that taking away part of the bundle of rights could result in the finding of a taking. Mr. Bilodeau asked if a reduction in value meant elimination of total value or a reduction in value. Ms. Southgate said that the court would need to make that judgement.

Mr. Limiadi asked if the State could sue the City since the State owns the Shooters site. He also asked about the possible outcome of the City and State having a vision for the site that involved a less intense use. Ms. Southgate said that she was under the impression that the State was obligated to maximize the potential of the site. It doesn't have the ability to compromise the use.

Mr. Principe asked Ms. Southgate if she was aware of any situation in which the state sued a local government over downzoning. Ms. Southgate said she would need to do some more research. Ms. Church said that Shooters is a critical location and there all avenues need to be used to figure out the right course of action. Mr. Cortes said that he was not in favor of having a highrise on the site, but wanted to know if downzoning the site or restricting uses would be a financial hazard for the City.

Mr. Azar stated that the DPD's position is that mixed use, including hotel and residential, would work on the site. Mr. Limiadi asked if the State is required to give the prior owner the first right of refusal for sale of the property. Mr. Azar said that would always be the case and that there

would be two options. If a public use was contemplated on the site, the state could sell the land to the prior owner, which in turn could sell it to a body like the Head of the Bay Gateway Steering Committee (HOBGSC). The other option would be the land being retained by the State to develop or lease the land as it saw fit. Ms. Southgate asked if there had been any testimony from the State regarding their obligations in regards to the land. She said she could research the issue and get back to the Commission with more information. She said that it could be unjust for the Commission to make a decision that could result in the City getting sued, when there could be a safer course of action.

Mr. Cortes said that he would favor downzoning, but would not want to make a decision that gets the City into trouble. Mr. Azar said that the decision should not be based on whether the State is going to sue the City as there may or may not be a legitimate claim. He said that a balance needs to be struck between public uses and bolstering the City's tax base. A large property should not be taken off the tax rolls. He said that guaranteed public access with private development would be the best option for the site. Twenty four hour public access could be a good thing for the parcel as the presence would translate into having "eyes" on the site. Mr. Azar said that any development would not be a total obstruction of vision from Fox Point.

Mr. Principe said that the loss of property tax from a public use would be minimal and advocated for no residential being permitted on the site. He said that while the specific amount that could be lost was not known, a public use could increase tax revenues by increasing proximate property values. Mr. Bilodeau expressed his opinion against a residential use.

Mr. Cortes said that he was not opposed to residences, but had issue with the potential height of any development and the amount of public access granted. He asked to take action after a discussion between the state and City had taken place. Mr. Bilodeau said he agrees with Mr. Cortes. Ms. Church expressed concern about the height of potential development and strongly encouraged public use and city/state collaboration.

A discussion ensued related to possible future actions.

Mr. Cortez made a motion to continue the matter until the next meeting for Ms. Southgate to gather more information with a request for staff to encourage a state representative to be at the next meeting. The motion was seconded by Mr. Limiadi. All voted in favor.

Providence Tomorrow

Ms. Jewett resumed presenting the neighborhood plans and presented the Harford/Manton/ Silver Lake Plan as there was a member of the public – Mr. Azarig Kooloian - who wished to comment on it. Mr. Kooloian said he supported the plan. Ms. Jewett said she did not receive any comments and spoke of key issues in the plan:

- The preservation and restoration of Neutaconkanut Hill and creation of an urban village along Manton Avenue at the Fruit Hill intersection
- Redevelopment of underutilized sites throughout the neighborhood, the former Almax plaza and the Stop and Shop plaza in Manton
- Rezoning of parcels that are unsuitable for being zoned M-2.
- Improving pedestrian and cyclist connection throughout the neighborhoods
- Improve community safety
- Decrease response time from emergency responders
- Addition of police sub stations
- Upkeep of non-owner occupied housing
- Housing code violations
- Commercial Corridor improvements
- Creating gateways at the city boundaries
- Improving infrastructure in particular street, sidewalks, and tree canopy coverage

Ms. Jewett spoke of areas to evaluate for possible future zoning changes. The map of proposed changes is available with the neighborhood plan.

- Change the Lincoln, Lace and Braid site from industrial to open space, and connect it to Marino Park
- The intersection of Hartford and Killingly Street from C-4 to C-2, General Commercial.
- Silver Lake and Plainfield Street; change from C-4 to C-2
- Laurel Hill and Plainfield Street; to be rezoned to be a neighborhood serving use if the present use ends.
- Manton, upper Manton Avenue around Fruit Hill; change from C-4 to C-2.
- Multifamily building, Swap as site control, change from two family to residential use.

- Stop and Shop change from M-2 to C-2 to seem more like an urban village.

Ms. Jewett spoke of section other proposed actions from the plan.

- Identify and work to develop a use for Saint Anthony's Church, which maybe closed by the diocese.
- Conduct surveys to identify potential or national register historic districts.
- Prevent dumping of trash and debris along Pilsudsky Street.
- Developing a recognizable way finding system for neighborhoods streets and neighborhood parks
- Creating a visual or physical connection between Marino Park and the Hartford Park housing development

No public comment was made. Mr. Azar requested that the Commission act on the plan.

Mr. Principe made a motion to approve the Hartford/Manton/ Silver Lake neighborhood Plan, Seconded by Mr. Cortez. All voted in favor.

Charles/Wanskuck plan

Mr. Azar said that Councilman Narducci requested that no action be taken to give him an opportunity to attend next month's meeting. Ms. Jewett introduced the plan.

Ms. Jewett spoke of key issues corrections and ideas on the Charles/ Wanskuck Plan.

- Improving the connection between Charles and Wanskuck to Downtown.
- Improving parks and open spaces and establishing more in underserved areas of the neighborhood.
- Improving lighting along major roads and intersections like Hopkins Square.
- Supporting the northend housing development.
- Promoting the Charles Street Business Association
- Planting of more street trees
- Evaluating the legal restrictions on active recreation in Wanskuck Park
- Revitalizing key areas for redevelopment in Charles and Wanskuck.

Ms. Jewett introduced proposed zoning changes. The proposed changes are available in the neighborhood plan.

- Changing Charles Street from heavy commercial to limited commercial
- Changing some Industrial areas to open space and public space
- Changing some general residential to open space and public space
- Changing the intersection of Douglas and Branch Avenue from limited commercial to general commercial.

Ms. Jewett introduced other selected actions.

- Synchronizing the traffic lights along Charles Street near Home Depot
- Targeting properties with housing code violations
- Improving cross walks between Chad Brown and Hopkins Park
- Working with the Charles Street Business Association to install gateways to Hopkins Square and to Charles Street and Branch Avenue.

No public comment was made. Ms. Jewett said that comments received during the follow up meeting were incorporated into the plan.

ADJOURNMENT

Mr. Principe made a motion to adjourn, Mr. Bilodeau seconded. All voted in favor.

The meeting adjourned at 7:05 PM.

Respectfully Submitted

A handwritten signature in dark ink, appearing to be 'C. Manjrekar' with a stylized flourish at the end.

Choyon Manjrekar
Recording Secretary.